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C. IRVIN MCCLELLAND
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA VA 22314

In re Application of:

SUZUKI, KATSUYUKI et al

Serial No.: 09/821,069

Filed: March 30, 2001

Docket: 205279US-3X

Title: HOLE FORMING TOOL

:
:
: DECISION ON PETITION TO
: WITHDRAW FINALITY AS
: PREMATURE
:
:

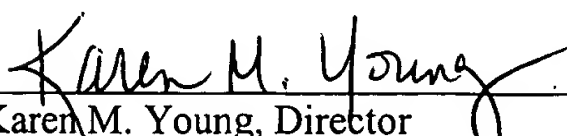
This is a decision on the petition filed on Feb. 13, 2006 to withdraw the finality of the Office Action of Aug. 11, 2005. The petition is being considered pursuant to 37 CFR 1.181 and no fee is required for the petition. The petition fee paid \$500.00 will be refunded by crediting to the Deposit Account 15-0030.

The petition is **DISMISSED as moot**.

In the petition the applicant requested a withdrawal of the finality of the Office action mailed on Aug. 11, 2005. In support of his petition, the applicant argues that the May 2, 2005 amendment did not necessitate a final rejection under MPEP 706.07(b). On Dec. 30, 2005, the applicant filed an amendment after final and argued, *inter alia*, that the final rejection was premature. Subsequently, on Sept. 7, 2006, the examiner agreed with the applicant's arguments, entered the amendment after final of Nov. 14, 2005, withdrew the finality of the last Office action of Aug. 11, 2005 and issued a new Office action.

In view of the history, the relief the applicant requested, namely the withdrawal of the finality of the Aug. 11, 2005 Office Action, has already occurred. Accordingly, the petition is dismissed as moot.

Any inquiry regarding this decision should be directed to Henry Yuen, Special Program Examiner, at (571) 272-4856.



Karen M. Young, Director
Technology Center 3700